

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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BRUCE KEITHLY, DONOVAN LEE,  
EDITH ANNA CRAMER, and  
MATTHEW BEBBINGTON, Individually  
and on Behalf of All Others  
Similarly Situated,

Interim Lead Plaintiffs,

vs. Case No. C09-1485-RSL

INTELIUS, INC., A Delaware  
Corporation; and INTELIUS  
SALES, LLC, a Nevada Limited  
Liability Company,

Defendants and  
Third Party Plaintiffs,

vs.

ADAPTIVE MARKETING, LLC, a  
Delaware Limited Liability Company,  
Third Party Defendant,

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Videotaped Deposition of
DONOVON LEE
January 24, 2011
9:03 a.m.

THE FOLLOWING PAGES 58 TO 59 WERE DEEMED
CONFIDENTIAL AND FOR ATTORNEYS' EYES ONLY

Taken at:

Jones Day

325 John H. McConnell Boulevard, Suite 600

Columbus, Ohio

Buster Beck, RPR

Deposition of Donovan Lee
January 24, 2011
Deposition Excerpt: 24:5 - 15

1 Windows open for the various search websites so
2 that you could compare the results?

3 MS. CASE: Objection. Form.

4 A. I don't recall.

5 Q. What else do you recall about the 09:19:18
6 appearance of the Intelius website?

7 A. The box that we clicked, the orange
8 box, appeared to be very prominent, in larger
9 font, which drew our eye very quickly and told
10 us: Yes, that we want to get our reports from 09:19:51
11 that button. The block of text to the right on
12 that screen was very small and, like, an off
13 color; I think it was grey text, a little
14 difficult to read. That's about all I
15 remember. 09:20:07

16 Q. Did you read the text?

17 A. No, I did not.

18 Q. Do you know whether your fiance
19 read the text?

20 A. I'm pretty -- 09:20:22

21 MS. CASE: Objection.

22 A. I'm pretty sure she did not. We
23 clicked through very quickly, as we do when we
24 make a purchase.

25 Q. When you buy items on amazon.com, 09:20:31

Deposition of Donovan Lee
January 24, 2011
Deposition Excerpt: 29:2 - 17

1 within a few days.

2 Q. What do you recall about that
3 telephone conversation?

4 A. I recall inquiring about the
5 charges since I didn't know -- well, I knew who 09:25:41
6 Intelius was on the charge. I called to
7 contest the charges, called that I advised that
8 I gave no authorization for these reoccurring
9 charges to be on there. I called to inquire
10 about what the Family Protect charges were. 09:25:55
11 They stated -- I believe they stated they could
12 give me no information about that, so I had no
13 idea what those charges were for. Typically in
14 that situation I asked for a supervisor. They
15 did not contact me back at all nor did I get to 09:26:10
16 speak to a supervisor. So, frankly, they --
17 they blew me off.

18 Q. Do you recall how long that
19 telephone conversation was?

20 A. Fairly brief. Probably five 09:26:26
21 minutes or less.

22 Q. Did you use profanity during the
23 call?

24 MS. CASE: Objection.

25 A. Not that I recall. 09:26:39

Deposition of Donovan Lee
January 24, 2011
Deposition Excerpts: 32:19 - 23 & 33:1 - 13

1 A. Yeah.

2 Q. Do you recall whether you made a
3 purchase?

4 A. No. It was just fact-finding
5 information for these charges. 09:29:05

6 Q. Going back to the June 2008
7 transaction, do you recall whether you clicked
8 on any hyperlinks during that transaction?

9 A. Well, "hyperlink" can be defined as
10 moving from page to page; so if I had to move 09:29:22
11 from page to page, I would have absolutely had
12 to.

13 Q. Okay. Do you recall ever clicking
14 on a terms and conditions hyperlink?

15 A. I do not recall. Some -- some 09:29:31
16 websites have those, others don't. The
17 specific site, I don't recall whether they
18 asked me to do that at that time or not.

19 Q. Have you canceled your Intelius
20 account? 09:29:44

21 A. We didn't think that we signed up
22 at the time. So, after this incident, yeah, I
23 made sure it was canceled.

24 Q. Could you take out Exhibit 12,
25 please? 09:29:54

1 A. Sure.

2 Q. Mr. Lee, what is Exhibit 12?

3 A. It's the class action complaint.

4 Q. Did you authorize the filing of

5 this document? 09:30:18

6 A. Yes, I did.

7 Q. Can you tell me what steps you took
8 to ensure that its allegations were accurate?

9 A. I spent a lot of time gathering my
10 information of what happened. I contacted 09:30:28
11 counsel. I gave this information to counsel.

12 Q. Anything else?

13 A. That's the primary part of it.

14 Q. Could you turn to page 3, please?

15 A. Yes. 09:30:45

16 Q. At the bottom of page 3, there's a
17 paragraph 8. Do you recall reviewing this
18 paragraph specifically to ensure that it was
19 factually accurate?

20 A. Yes. 09:31:05

21 Q. Can you turn to page 7, please?

22 If you look at paragraph 18, it
23 reads: "While the language contained on the
24 Intelius websites has the capacity to deceive a
25 substantial portion of the public to initially 09:31:36

Deposition of Donovan Lee
January 24, 2011
Deposition Excerpt: 75:23 – 76:6

1 Q. I just wanted to make sure that the
2 record was clear. Did you set up the Intelius
3 account?

4 A. I don't recall if I set it up or if
5 Anna set it up specifically. If we refer to 10:46:47
6 the information page, it has my name on it, her
7 e-mail, her phone, our address; so, it's
8 intermixed with information, which, like I
9 assert, we both did it.

10 Q. Okay. Also, are you representing 10:47:06
11 anyone else in this lawsuit?

12 A. Mr. Bebbington, Mr. Keithly, as
13 well as the entire class of plaintiffs.

14 MS. CASE: I have nothing further.

15 MR. FARMER: I have a follow-up or 10:47:20
16 two.

17 EXAMINATION OF DONOVON LEE

18 BY MR. FARMER:

19 Q. So, you just testified that you are
20 representing Mr. Bebbington, Keithly, as well 10:47:26
21 as the class of plaintiffs?

22 A. Correct.

23 Q. Can you describe for me the class
24 that you represent?

25 A. The class would be individuals such 10:47:36

1 as myself, who went through the Intelius
2 website and -- and got charged for
3 subscriptions that they did not adequately
4 realize they were being charged for, that they
5 did not expressly authorize such a subscription 10:47:54
6 to be charged for. People typical as myself.

7 Q. Would it include people who read
8 the offer details and then entered their e-mail
9 address and clicked the -- the Yes show me my
10 report button? 10:48:09

11 MS. CASE: Objection. Legal
12 conclusion.

13 A. I can't ascertain whether it was or
14 not.

15 Q. Would it include people who 10:48:13
16 received refunds from Intelius?

17 MS. CASE: Objection. Legal
18 conclusion.

19 A. Again, that would be speculating,
20 and I do not know. 10:48:30

21 Q. Would it include -- -- strike that.
22 Would the class that you purport to
23 represent include people who decline the
24 Adaptive offer?

25 MS. CASE: Objection. Legal 10:48:43